



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

July 12, 1999

Mr. Allen Biaggi
Administrator
Nevada Division of Environmental Protection
333 W. Nye Lane, Room 138
Carson City, NV 89706-0851

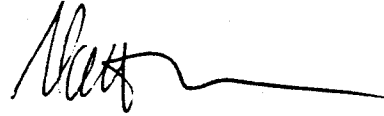
Dear Mr. Biaggi:


On March 2, the United States Court of Appeals for the District of Columbia Circuit issued a decision on the 1997 transportation conformity amendments (62 FR 43780) in response to a case brought by the Environmental Defense Fund. The U.S. EPA and the Department of Transportation (DOT) released guidance on May 14 and June 18 explaining changes to Transportation Conformity procedures which address the court's ruling. In response to the court decision, EPA has committed to determine adequacy/inadequacy of previously submitted control strategy SIPs. This letter serves as our decision on the serious PM₁₀ SIP emissions budgets for Clark County.

In 1997, the Nevada Division of Environmental Protection submitted a serious PM₁₀ attainment plan to EPA. This serious PM₁₀ plan did not establish any PM₁₀ emissions budgets for the annual or 24 hour PM₁₀ standard; so we can not determine that the budgets are adequate. Thus, for conformity purposes, the plan does not contain emission budgets that are adequate for use in conformity determinations.

FHWA's June 18 guidance describes alternative tests that should be used to replace the submitted emission budgets conformity test. For PM_{10} , if you have no other submitted or approved budgets, you must use the build/no-build test or no-greater-than-1990 tests that are required by 40 CFR 93.119 of the conformity rule. If you have any questions regarding these procedures or this decision, please contact Karina O'Connor at 415-744-1247.

Sincerely,



 David P. Howekamp
Director, Air Division

cc: Bob O'Loughlin, FHWA
Randy Bellard, FHWA
Leslie Rogers, FTA
Tom Fronapfel, NDOT
Christine Robinson, CCDCP
Michael Naylor, CCHD-APCD